

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CORKEY DENNIS OGLE,
Petitioner,

v.

UNKNOWN,
Respondent.

No. 2:20-cv-1108 CKD P

ORDER

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, together with a request to proceed in forma pauperis. This court will not rule on petitioner's request to proceed in forma pauperis.

Petitioner was convicted in Butte County (ECF No. 4 at 1) and is incarcerated at R.J. Donovan Correctional Facility in San Diego County, which lies in the Southern District of California, 28 U.S.C. § 84(d). Pursuant to 28 U.S.C. § 2241(d), courts in both the district of conviction and the district of confinement have concurrent jurisdiction over applications for habeas corpus filed by state prisoners. However, as a general rule, "[t]he proper forum to challenge the execution of a sentence is the district where the prisoner is confined." Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989). Since petitioner challenges the parole board's denial of parole, he is challenging the execution of his sentence.

In the interest of justice, this court may transfer this action "to any other district or

1 division where it might have been brought.” 28 U.S.C. § 1404(a). For the reasons set forth
2 above, the most appropriate forum for the instant action is the district where petitioner is
3 confined. Therefore, in the interest of justice, this action will be transferred to the United States
4 District Court for the Southern District of California.

5 Accordingly, in the furtherance of justice, IT IS HEREBY ORDERED that:

6 1. This court has not ruled on petitioner’s application to proceed in forma pauperis; and

7 2. This matter is transferred to the United States District Court for the Southern District of
8 California. 28 U.S.C. § 2241(d); 28 U.S.C. § 1404(a).

9 Dated: June 18, 2020



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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